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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Statement of Issues Against:

Case No. 2008-129

14 **GLEND A SHERRY PEVETO, aka**
15 **GLEND A SHERRY FORBITO PEVETO**
1865 Herndon Avenue, Suite K, #358
Clovis, California 93611

STATEMENT OF ISSUES

16 Applicant/Respondent.
17

18 Ruth Ann Terry, M.P.H, R.N ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Statement of Issues solely in her official capacity
21 as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 **Application History**

24 2. On or about April 30, 2007, the Board received an Application for
25 Licensure by Endorsement for a registered nurse license from Glenda Sherry Peveto, also known
26 as Glenda Sherry Forbito Peveto ("Respondent"). On or about April 16, 2007, Respondent
27 certified under penalty of perjury to the truthfulness of all statements, answers, and
28 representations in the application. The Board denied the application on April 27, 2007.

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4. Code section 480, subdivision (a) states:

5. Section 2761 of the Code states:

(a) Unprofessional conduct, . . .

(Out-of-State Discipline)

6. Respondent is subject to disciplinary action under Code section 480, subdivision (a), 2736, and 2761 (4), subdivision (1), on the grounds of unprofessional conduct, in that Respondent's Louisiana Registered Nursing License was disciplined by the Louisiana State Board of Nursing ("Louisiana Board"). In the case entitled, *In the Matter of: Glenda Sherry Forbito Peveto*, the Louisiana Board issued a Final Order approving and accepting the Consent Order placing Respondent's registered nurse license on suspension, effective February 27, 2007. The suspension was stayed and Respondent's license was placed on eighteen (18) months probation with terms and conditions. A copy of the Board's Consent Order is attached as **Exhibit A**, and is incorporated herein.

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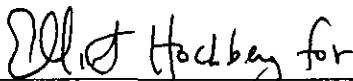
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Glenda Sherry Peveto, also known as Glenda Sherry Forbito Peveto for a registered nurse license; and,
2. Taking such other and further action as deemed necessary and proper.

DATED: 10/12/07



RUTH ANN TERRY, M.P.H, R.N
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A
Louisiana Board's Consent Order

Louisiana State Board of Nursing

5207 Essen Lane, Suite 6

Baton Rouge, LA 70809

Telephone: (225) 763-3570 or (225) 763-3577 Fax: (225) 763-3580

<http://www.lsbnp.state.la.us>

Certified Mail

Return Receipt Requested

May 8, 2007

Ms. Glenda Forbito Peveto
104 Westland Place
West Monroe, LA 71291

Dear Ms. Peveto:

Reference is to the Consent Order with the Board effective February 27, 2007. This order allowed that your Louisiana RN license be suspended, with a stay of suspension, contingent upon stipulations.

The Order stipulated, in part, that you:

- ☐ Prior to returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Within two weeks, shall cause all employers to submit, in writing to the Board, that they have reviewed this Order.
- ☐ Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Not be employed in agency/pool/staffing, home health services, or nursing homes. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site supervisor. May continue working through an agency through long term contract(s).

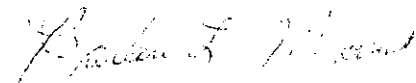
A review of your file reveals that you are not in compliance with the aforementioned Order, specifically, on April 25, 2007 the Louisiana State Board of Nursing was advised that you failed to notify your employer, St. Francis Medical Center, of the Consent Order effective February 27, 2007 prior to returning to work. In addition, the Board of Nursing received information that you are working as a "PRN pool nurse" for St. Francis Medical Center which is prohibited according to the consent order.

The order further states that failure to comply with the stipulations, or receipt of an unfavorable report shall result in the immediate suspension of your license. **Therefore, your Louisiana RN license is suspended and you are hereby directed to return your 2007 RN license to the Board of Nursing.**

YOU ARE TO CEASE AND DESIST IMMEDIATELY THE PRACTICE OF NURSING IN LOUISIANA.

If you are able to show error in the staff's action then you must so notify the Board in writing within ten (10) days of this date.

LOUISIANA STATE BOARD OF NURSING



Barbara L. Morvant, MN, RN
Executive Director

cc: Christine Kipp, V.P., Patient Care Services
St. Francis Medical Center

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:

GLEND A SHERRY FORBITO PEVETO
104 WESTLAND PLACE
WEST MONROE, LA 71291

*
*
*

Respondent

CONSENT ORDER

TERMS AGREED TO BY LICENSEE

I, **GLEND A SHERRY FORBITO PEVETO**, voluntarily agree to sign and have witnessed the terms of agreements for the purpose of avoiding a formal administrative hearing with the Louisiana State Board of Nursing.

I, **GLEND A SHERRY FORBITO PEVETO**, say that I freely, knowingly and voluntarily entered into this agreement; that I understand that I have a right to a hearing in this matter and I freely waive such right; and that I understand that I have a right to legal counsel prior to entering into this agreement.

I acknowledge that the Louisiana State Board of Nursing makes the following FINDINGS OF FACT:

1. On May 11, 2001, Respondent was licensed as a Registered Nurse in Louisiana by examination.
2. On September 26, 2005, Respondent, as owner and operator of Faces, etc., injected a client with Restylane and Botox, without supervision of a physician. The client had not been seen by the physician.
3. The client developed from necrosis and ulcerations from the Restylane injections and ptosis of the eyebrows and upper eyelids secondary to the Botox injections.
4. On November 6, 2006, Respondent signed a "Stipulation and Consent to Judgment" with the Louisiana State Board of Medical Examiners and pursuant the stipulation, the Fourth Judicial District Court for the Parish of Ouachita, State of Louisiana, entered a judgment on December 8, 2006 which provided:

"Considering the Petition for Preliminary and Permanent Injunction filed herein by petitioner, the Louisiana State Board of Medical Examiners, and the Stipulation and Consent to Judgment filed herein by the defendant, Sherry Peveto, R.N., and the court considering that Ms. Peveto has voluntarily agreed to refrain from the practices that gave rise to the petition for injunction, while maintaining and asserting that she has not violated the law in any respect; accordingly,

IT IS ORDERED, ADJUDGED AND DECREED that Sherry Peveto, R.N. shall not, individually, or through the business, Faces, Etc. of Monroe, or otherwise, engage, undertake to engage, or hold herself out to engage in the practice of medicine in any form in the state of Louisiana, including, without limitation, the performance of botox injections, collagen/restylane injections, microdermabrasion, weight loss treatments, chemical face peels, and leg vein and hair removal and all other procedures using medical lasers (including Intense Pulsed Light), unless such procedures and/or treatments are performed under the supervision of a physician licensed to practice medicine in this state ("licensed physician") who is physically present on the premises, following an examination of the patient by the licensed physician to determine whether the procedure or treatment is indicated for the patient, and where the licensed physician is available on the premises when the procedure and /or treatment is performed to address any complications and to provide any follow-up care that may be needed; or unless and until such time that Ms. Peveto possesses a license to practice medicine in the State of Louisiana.


Initials

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:

GLENDIA SHERRY FORBITO PEVETO *

104 WESTLAND PLACE *

WEST MONROE, LA 71291 *

Respondent

CONSENT ORDER

TERMS AGREED TO BY LICENSEE (Cont'd)

Rendered at Monroe, Louisiana, this 8th day of December, 2006"
Signed by Fourth Judicial District Judge.

To facilitate submission of this Consent Order, I do not offer any defense to the FINDINGS OF FACT. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:911 et seq. I admit to the findings of fact and agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported as Practicing Beyond Scope.

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board:

The license of this registrant is suspended, with a stay of the said suspension, and that the license is probated for a minimum of eighteen (18) months, with the following stipulations.

1. Within three (3) days upon receipt of this Order, send RN license to the Board office so that the license can be marked "probated".
2. Prior to returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Within two weeks, shall cause all employers to submit, in writing to the Board, that they have reviewed this Order.
3. Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Not be employed in agency/pool/staffing, home health services, or nursing homes. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site supervisor. May continue working through an agency through long term contract(s).
4. Immediately (within 72 hours) inform the Board in writing of any change in address.
5. If employed in nursing, immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
6. If unemployed or employed in a non-nursing position, inform the Board in writing on a quarterly basis.
7. During the period of probation, Respondent shall engage in the practice of professional nursing for a minimum of twenty four (24) hours per week for a minimum of twelve (12) consecutive months.
8. Have all immediate supervisors submit a performance evaluation report quarterly, commencing from the first date of employment.
9. Within ninety (90) days, submit payment of \$200.00 to the Board as cost of this consent order.
10. Within ninety (90) days, submit payment of \$500.00 fine to the Board.


Initials

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:

GLENDa SHERRY FORBITO PEVETO *

104 WESTLAND PLACE *

WEST MONROE, LA 71291 *

Respondent

CONSENT ORDER

TERMS AGREED TO BY LICENSEE (Cont'd)

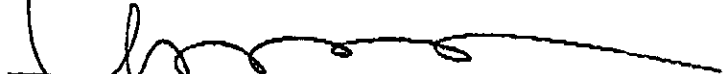
11. By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board.
12. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
13. Quarterly reports are due on or before the first day of January, April, July, and October. Monthly reports are due on the first day of each month.
14. Submit certified copies of all resolutions, injunctions or restraining orders issued to Respondent by the Medical Board or Courts.
15. Within ninety (90) days, submit written evidence of completion of 20 hours of LSBN staff approved continuing education hours to include the areas of Legal Aspects of Nursing Care, Legal Accountability, and Ethics.
16. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of reports on or before the date due shall result in the immediate suspension of this registrant's license. This suspension can be imposed by action of the staff subject to the discretionary review of the Board.

I understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Agreement not be accepted by the Board, I agree that presentation to and consideration of the Consent Agreement, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this registrant.

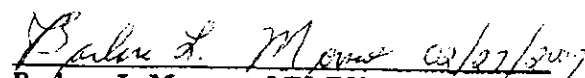
Dated this 27th day of Feb, 2007


GLENDa SHERRY FORBITO PEVETO


Witness


Witness

LOUISIANA STATE BOARD OF NURSING


Barbara L. Morvant, MN, RN Date
Executive Director


Initials